

## REMARKS

This Response is submitted in response to the Office Action dated October 31, 2003. Claims 1, 13 and 24 have been amended. No new matter has been added by any of these amendments. Claim 19 stands canceled without prejudice or disclaimer. Claims 29 to 33 stand allowed.

No fee is due in connection with this Response. However, if a fee is due, please charge Deposit Account No. 02-1818 for any in sufficiency or credit for any overpayment.

The Office Action rejected Claims 1, 2, 13 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Barrie in view of Kamille. Applicants respectfully disagree with these rejections and submit that Kamille cannot be properly combined with Barrie because Barrie teaches away from the combination. Nonetheless, Applicants have amended certain of the claims to further distinguish over Barrie and Kamille.

Barrie relates to a gaming device wherein a player is enabled to pick one of a plurality of choices or selections (i.e., doors). After the player picks a selection, one of a plurality of classes is randomly assigned to the picked selection with the aid of a random number generator and a shuffle procedure. The assigned class is either a reward class, a lose class or a win class. If the assigned class is a reward class, the player is provided a reward and the game ends (page 2, lines 64 to 68). If the assigned class is a lose class, the game ends (page 2, lines 37 to 41). If the assigned class is a win class, the player is enabled to accept a designated reward or to attempt to obtain a larger reward and pick one of another plurality of choices or selections (page 2, lines 41 to 52). If the player accepts the designated reward, the player is provided the designated reward and the game ends. If the player chooses to pick one of another plurality of choices or selections, the game proceeds as described above until the player is provided a reward or a lose class that is assigned to the player picked selection (page 2, lines 53 to 76).

Kamille relates to a gaming device for playing a selection game. Each game includes a number of concealed selections. To play the game, a player uncovers a specified number of play areas or selections to reveal a win or void symbol associated

with each selection. The player is provided an award based on the revealed symbols. In one embodiment, each of the selections is associated with a win symbol, thus guaranteeing a winning outcome of the selection game. In another embodiment, each of the selections is associated with a void or lose symbol, thus guaranteeing a losing outcome of the selection game.

As described in the Response to the April 2003 Office Action, Barrie does not teach, disclose or suggest assigning one item to all of the symbols. Barrie discloses means for assigning the designated object randomly to one of a plurality of classes wherein the classes include at least a win class and a lose class. (page 1, lines 48 to 52). That is, at least one of the symbols of Barrie must be assigned to a win class and at least one of the symbols of Barrie must be assigned to a lose class. In other words, if two symbols of Barrie must each be assigned to different classes (i.e., the win class and the lose class), then Barrie cannot assign one item to all of the symbols.

The Office Action states that it would have been obvious to an artisan to modify the selection game of Barrie to add the feature of assigning an item to all of the symbols as disclosed in Kamille. Applicants respectfully disagree with this combination and submit that by requiring that one symbol be assigned to a win class and one symbol be assigned to a lose class, Barrie teaches away from the feature of assigning one item to all of the symbols as disclosed in Kamille. That is, Barrie teaches the need for at least two classes (i.e., items of the present invention) which must each be assigned to different doors (i.e., symbols of the present invention). On the other hand, if Barrie is combined with Kamille and a win class is associated with each symbol or a lose class is associated with each symbol, then the premise of Barrie (i.e., the opportunity of obtaining either a win class or a lose class with each symbol selection) would not be feasible. Accordingly, Applicants respectfully submit that Barrie and Kamille were improperly combined to form the basis for these rejections and that Claims 1, 2, 13 and 22 are patentably distinguished of Barrie and Kamille and in condition for allowance.

Assuming, arguendo, that Barrie and Kamille were properly combined, the gaming device resulting from the combination of Barrie and Kamille would relate to a gaming device similar to Barrie wherein a player is enabled to pick one of a plurality of

selections and a win class or lose class is assigned to at least one, a plurality of or all of the plurality of selections.

Amended independent Claim 1 is directed to a gaming device including a plurality of symbols, a plurality of rounds and a display device operable for displaying the plurality of symbols. The gaming device also includes means for enabling a player to select one of the symbols in each of the rounds and a controller. The controller is operable with the selection means and the display device to randomly determine for a plurality of the rounds whether to assign an item to at least one, a plurality of or all of the plurality of symbols, and upon the determination being made, to assign the item to one of the symbols, to a plurality of the symbols or to all of the symbols wherein the item is assigned to a different number of the symbols in each of a plurality of the rounds, to enable the player to select one of the symbols in each of the rounds, and to provide an award to the player if the player selects one of the symbols having the assigned item in each of the rounds.

Unlike the gaming device of amended independent Claim 1, the gaming device resulting from the combination of Barrie and Kamille would not teach, disclose or suggest assigning an item to a different number of symbols in each of a plurality of rounds. That is, as Barrie does not teach, disclose or suggest assigning an item to a different number of symbols in each of a plurality of rounds and Kamille does not teach, disclose or suggest assigning an item to a different number of symbols in each of a plurality of rounds, the gaming device resulting from the combination of Barrie and Kamille would not teach, disclose or suggest assigning an item to a different number of symbols in each of a plurality of rounds. On the other hand, the gaming device of amended independent Claim 1 assigns an item to a different number of symbols in each of a plurality of rounds. For this reason, Applicants respectfully submit that amended independent Claim 1 is patentably distinguished over the combination of Barrie and Kamille and in condition for allowance.

Claims 2 and 12 depend directly from Claim 1 and are also allowable for the reasons given with respect to Claim 1, and because of the additional features recited in these claims.

Amended independent Claim 13 is directed to a method for operating a gaming device including the steps of (a) displaying a plurality of symbols on a display device of the gaming device, (b) randomly determining to assign an item to at least one, a plurality of or all of the symbols, and (i) if the random determination is to assign the item to one of the symbols, assigning the item to one of the symbols, (ii) if the random determination is to assign the item to the plurality of symbols, assigning the item to the plurality of symbols, and (iii) if the random determination is to assign the item to all of the symbols, assigning the item to all of the symbols. The method also includes the steps of (c) selecting a prize, (d) enabling a player to select a symbol, (e) providing the prize to the player if the player chooses a symbol having the assigned item and (f) repeating steps (a) to (e) in a plurality of rounds, wherein the item is assigned to a different number of symbols in each of a plurality of the rounds. Unlike the gaming device resulting from the combination of Barrie and Kamille, the method of operating a gaming device of amended independent Claim 13 assigns an item to a different number of symbols in each of a plurality of rounds. For this reason and the reasons described above with respect to amended independent Claim 1, Applicants respectfully submit that amended independent Claim 13 is patentably distinguished over the combination of Barrie and Kamille and in condition for allowance.

Claim 22 depends directly from Claim 13 and is also allowable for the reasons given with respect to Claim 13, and because of the additional features recited in the claim.

The Office Action rejected Claims 3, 4, 11 and 12 under 35 U.S.C. §103(a) as being unpatentable over Barrie in view of Kamille in further view of Demar.

The Office Action states that Demar teaches a gaming device in which items are randomly selected from a table. The Office Action concludes that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the gaming device suggested by the combination of Barrie in view of Kamille, wherein different items are randomly associated with selections, to add the feature of selecting the items from a table. Unlike the gaming device resulting from the combination of Barrie, Kamille and Demar, the gaming device of Claims 3, 4, 11 and 12 determines

whether to assign one item to all of the player selectable symbols, and assigns the item to all of the player selectable symbols, wherein the item is assigned to a different number of the symbols in each of a plurality of the rounds. For this reason, Applicants respectfully submit that the Claims 3, 4, 11 and 12 are patentably distinguished over the combination of Barrie, Kamille and Demar and in condition for allowance.

The Office Action rejected Claims 14, 17 and 24 to 28 under 35 U.S.C. § 103(a) as being unpatentable over Barrie in view of Kamille, in further view of Yoseloff.

The Office Action states that Yoseloff describes a gaming device having multiple rounds in which the number of rounds the player has in the game is randomly determined prior to initiating the game. The Office Action concludes that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the gaming device suggested by the combination of Barrie and Kamille to add the feature of employing a table of numbers to designate the number of rounds the player has in the selection game.

Unlike the gaming device resulting from the combination of Barrie, Kamille and Yoseloff, the method of operating a gaming device of Claims 14 and 17 assigns an item to a different number of symbols in each of a plurality of rounds. For this reason, Applicants respectfully submit that the Claims 14 and 17 are patentably distinguished over the combination of Barrie, Kamille and Yoseloff and in condition for allowance.

Amended independent Claim 24 is directed to a method for operating a gaming device including the steps of (a) displaying a group of symbols on a display device of the gaming device and (b) randomly determining to assign an item to a percentage of the symbols of the group, wherein the percentage includes the item being assigned to at least one, a plurality of or all of the symbols. If the determination is made to assign the item to one of the symbols, assigning the item to one of the symbols, if the determination is made to assign the item to the plurality of the symbols, assigning the item to the plurality of the symbols, and if the determination is made to assign the item to all of the symbols, assigning the item to all of the symbols. The method also includes the steps of (c) determining a number of rounds the player plays with the assigned item

and (d) enabling the player to play the number of rounds, wherein the item is assigned to a different number of symbols in each of a plurality of the number of rounds.

Unlike the gaming device resulting from the combination of Barrie, Kamille and Yoseloff, the method of operating a gaming device of amended independent Claim 24 enables the player to play the number of rounds, wherein the item is assigned to a different number of symbols in each of a plurality of the number of rounds. For this reason, Applicants respectfully submit that the amended independent Claim 24 is patentably distinguished over the combination of Barrie, Kamille and Yoseloff and in condition for allowance.

Claims 25 to 28 depend directly from Claim 24 and are also allowable for the reasons given with respect to Claim 24, and because of the additional features recited in these claims.

The Office Action rejected Claims 5 to 10 and 15 to 21 under 35 U.S.C. § 103(a) as being unpatentable over Barrie in view of Kamille and Demar and in further view of Yoseloff.

Claim 5 is directed to the gaming device of Claim 1, which includes a table of numbers that designate how many rounds the player has in which to select from the plurality of symbols when the item is assigned to a percentage of symbols of the group. As explained above, Barrie does not disclose, teach or suggest assigning one item to all of the player selectable symbols. Moreover, the combination of Barrie, Kamille, Demar and Yoseloff does not disclose, teach or suggest determining whether to assign one item to all of the player selectable symbols, and assigning the item to all of the player selectable symbols, wherein the item is assigned to a different number of the symbols in each of a plurality of the rounds. On the other hand, the gaming device of Claim 5 assigns an item to a different number of symbols in each of a plurality of rounds. For this reason, Applicants respectfully submit that Claim 5 is patentably distinguished over the combination of Barrie, Kamille, Demar and Yoseloff and in condition for allowance.

Claims 6 to 10 depend directly from Claim 5 and are also allowable for the reasons given with respect to Claim 5, and because of the additional features recited in these claims.

Claim 15 is directed to the method of Claim 13, which includes the step of after the random determination is made to assign the item to one, the plurality or all of the symbols, selecting from a table associated with the determination, one of a plurality of probabilities that the item will be assigned according to the determination in the plurality of rounds. Unlike the gaming device of Claim 15, the gaming device resulting from the combination of Barrie, Kamille, Demar and Yoseloff does not disclose, teach or suggest determining whether to assign one item to all of the player selectable symbols, and assigning the item to all of the player selectable symbols, wherein the item is assigned to a different number of the symbols in each of a plurality of the rounds. For this reason and the reasons described above with respect to Claim 5, Applicants respectfully submit that Claim 15 is patentably distinguished over the combination of Barrie, Kamille, Demar and Yoseloff and in condition for allowance.

Claims 16 to 18 and 20 to 21 depend directly from Claim 15 and are also allowable for the reasons given with respect to Claim 15, and because of the additional features recited in these claims.

An earnest endeavor has been made to place this application in condition for allowance and is courteously solicited. If the Examiner has any questions related to this Response, applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,  
BELL, BOYD & LLOYD LLC  
BY



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